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Message Text

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TO SECSTATE WASHDC IMMEDIATE 6751
INFO ALL NATO CAPITALS 4231
US MISSION GENEVA IMMEDIATE 1923
US MISSION EC BRUSSELS 3971
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C O N F I D E N T I A L SECTION 1 OF 3 USNATO 3900

E.O. 11652: GDS
TAGS: NATO, PFOR, XG
SUBJECT: CSCE: EC-9 PAPER ON ESSENTIAL CSCE GOALS

GENEVA FOR CSCE DEL

TRANSMITTED BELOW IS AN INFORMAL MISSION TRANSLATION OF A PAPER STATING MINIMUM CSCE OBJECTIVES AS SEEN BY THE EC-NINE AND CIRCULATED BY FRENCH PERMREP DE ROSE AT HIS JULY 15 BRIEFING OF NATO DELEGATIONS ON THE RESULTS OF THE JULY 11 EC-9 POLITICAL DIRECTORS DISCUSSIONS (SEPTEL).

BEGIN TEXT

PERMANENT DELEGATION OF FRANCE TO THE NORTH ATLANTIC COUNCIL
BRUSSELS, 15 JULY 1974

A. BASKET ONE

L. IN THE FIELD OF PRINCIPLES AND THEIR APPLICATION, THE
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ESSENTIAL AIMS OF THE NINE ARE:

(1) TO AVOID THAT THE "DECLARATION OF PRINCIPLES" COULDBECOME
AN INSTRUMENT OF THE CONFIRMATION AND PURE AND SIMPLE CRYSTALIZATION

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OF EUROPEAN POLITICAL AND TERRITORIAL REALITIES; MAINTAIN THESE PROVISIONS IN LINE WITH GENERAL INTERNATIONAL LAW IN FORCE: AMONG OTHER THINGS, IT IS A QUESTION OF AVIOIDING THAT THE DECLARATION

COULD BE CONSIDERED AS A SUBSTITUTE TO A PEACE TREATY FOR GERMANY AND AS AN OBSTACLE TO SUBSEQUENT PROGRESS TOWARD EUROPEAN UNIFICATION.

(2) PLACE EMPHASIS, MORE THAN ON THE ENUNCIATION OF ABSTRACT PRINCIPLES, ON THE NEED FOR THEIR APPLICATION BETWEEN ALL PARTICIPATING STATES AND ON CONCRETE WAYS FOR FAVORING SUCH AN APPLICATION; ACT IN SUCH A WAY THAT THE PRINCIPLES AND THE PREAMBLE CONTAIN FORMULATIONS REFLECTING THE WESTERN CONCEPTION OF DETENTE.

(3) IN REGARD TO THE FIRST OF THESE AIMS, THE MINIMUM RESULTS WHICH MUST STILL BE OBTAINED IN THE PRESENT STATE OF THE NEGOTIATION ARE:

(A) ADEQUATE WORDING OF THE CLAUSE CONCERNING THE LEGAL CHARACTER OF PEACEFUL CHANGE OF FRONTIERS, IN PARTICULAR, THIS CLAUSE MUST:

(I) TAKE INTO ACCOUNT THE PRINCIPLE TO WHICH THIS CLAUSE WILL FINALLY BE LINKED;

(II) BE STIPULATED AS A GENERAL RULE AND NOT AS AN EXCEPTION TO INVIOLABILITY.

CURRENT THINKING TENDS TOWARD A FORMULA SUCH AS: "IN ACCORDANCE WITH INTERNATIONAL LAW, FRONTIERS MAY BE MODIFIED BY PEACEFUL MEANS AND THROUGH AGREEMENT" OR, AS WAS ALSO SUGGESTED, "IN ACCORDANCE WITH INTERNATIONAL LAW, THE PARTICIPATING STATES CONSIDER THAT THEIR FRONTIERS MAY BE MODIFIED BY PEACEFUL MEANS AND THROUGH AGREEMENT."

(B) AN ADEQUATE STATEMENT OF THE PRINCIPLE OF HUMAN CONFIDENTIAL

RIGHTS AND FUNDAMENTAL FREEDOMS; AS A MINIMUM, IT MUST:

(I) REAFFIRM THE DUTY OF EACH NATION, INDIVIDUALLY OR JOINTLY, TO RESPECT AND PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(II) NOT CONTAIN ANY DIRECT RESTRICTION TO THIS DUTY;

(III) MENTION AT LEAST THE FOUR FREEDOMS INDICATED IN THE FINAL RECOMMENDATIONS.

(C) AN ADEQUATE DEFINITION OF THE PRINCIPLE OF SELF-DETERMINATION, IN WHICH AT LEAST THE FOLLOWING IS EXPRESSED:

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"THE RIGHT OF ALL PEOPLES TO DETERMINE THEIR INTERNAL AND EXTERNAL POLITICAL STATUS IN COMPLETE FREEDOM AND WITHOUT OUTSIDE INTERFERENCE AND TO PURSUE THEIR ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT."

(D) A WORDING OF THE PRINCIPLE OF COOPERATION WHICH DOES NOT PREJUDICE THE INTERESTS OF THE NINE IN BASKET THREE.

(I) THE INCLUSION OF A FINAL CLAUSE RELATING THE THE UNITY AND EQUALITY OF THE PRINCIPLES, AS WELL AS A LINK BETWEEN THEM.

(F) AVOID ANY FORMULA WHICH COULD CONFIRM THE PRIMACY OF DOMESTIC LAW OVER THE INTERNATIONAL COMMITMENTS OF STATES.

(R) AS REGARDS THE SECOND OF THE AIMS MENTIONED ABOVE, THE MINIMUM RESULTS ONE MUST STILL AIM AT ARE THE FOLLOWING:

(A) INCLUDE, AMONG THE RESULTS OF THE CONFERENCE, CLAUSES SUITABLE FOR CONTESTING THE THESIS OF A DIFFERENT APPLICATION OF THE PRINCIPLES IN THE SOCIALIST COMMUNITY. FOR THIS PURPOSE, IT APPEARS TO BE NECESSARY TO OBTAIN INCLUSION OFTHE ESSENTIAL CONTENTS OF THE FOUTH PAPRGRAPH OF THE PREAMBLE, OF THE INTRODUCTION TO THE ENACTING TERMS OF THE FRENCH DRAFT OF THE DECLARATION OF PRINCIPLES AND OF PARAGRAPH 12 OF THE ENACTING TERMS, AS WELL AS TO MAKE A PLACE FOR THE IDEA CONTAINED IN PARAGRAPH 3 OF THE ROMANIAN DRAFT ON THE APPLICATIONTMMT

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OF THE PRINCIPLE OF NON-RESOURCE TO FORCE.

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(B) MAINTAIN AS FAR AS POSSIBLE THE PLURALITY OF DOCUMENTS CONTAINED THEREIN USING THE SWISS DRAFT OF A RESOLUTION ON THE PEACEFUL SETTLEMENT OF DISPUTES, IN ORDER TO AVOID THAT THE "DECLARATION OF PRINCIPLES" MIGHT BE CONSIDERED AS THE BASIC DOCUMENT OF THE CONFERENCE, WHICH WOULD PUT IN SECOND PLACE ALL THE TEXTS CONCERNING THE APPLICATION OF THE PRINCIPLES(AND PARTICULARLY THE TEXTS DRAWN UP BY THE SECOND AND THIRD COMMITTEES WHICH REPRESENT ESSENTIALLY THE APPLICATION OF THE PRINCIPLES OF RESPECT OF HUMAN RIGHTS AND OF COOPERATION).

2. IN THE FIELD OF CONFIDENCE BUILDING MEASURES

(5) THE TARGET THE NINE HAVE SET FOR THEMSELVES REMAINS VALID: OBTAIN A SEPARATE RESOLUTION STRESSING THE NOTION THAT THE POLITICAL AND MILITARY ASPECTS OF SECURITY ARE COMPLEMENTARY. IN ORDER TO DO THIS, A POLITICAL COMMITMENT, POSITIVE AND PRECISE WITH RELATION TO THE CONFIDENCE BUILDING MEASURES IS NECESSARY AND THE MATTER MUST NOT BE FEFERRED TO BE DEALT WITH IN THE CONFIDENTIAL

FRAMEWORK OF FOLLOW-UP TO THE CONFERENCE.

(6) AS NEGOTIATIONS ON THIS SUBJECT HAVE NOT REALLY BEGUN, THE NINE WILL TAKE THIS QUESTION UP IN THE PERIOD TO COME IN ORDER TO STATE PRECISELY-ON THE ONE HAND-THE CONTENTS TO BE OBTAINED IN THE VARIOUS ELEMENTS OF THE MEASURES TO BE DECIDED UPON AND-ON THE OTHER HAND-THE RELATIVE IMPORTANCE WE MUST GIVE TO THESE ELEMENTS.

B. BASKET THREE

(7) OUR GENERAL AIM IN COMMITTEE III MUST BE TO CONTRIBUTE TO LOWERING THE BARRIERS TO CONTACTS AND COMMUNICATIONS ACROSS FRONTIERS. AT THIS CONFERENCE, WE SHALL NOT OBTAIN EVERYTHING WE WOULD DESIRE. AT LEAST, IT IS ESSENTIAL THAT WE ENSURE FOR OURSELVES A BASIS FOR EXERTING LATER, ON THE SOVIET UNION AND THE NATIONS OF EASTERN EUROPE, A PRESSURE AIMED AT CONTINUAL IMPROVEMENT OF THEIR PRACTICES.

(8) IN THIS PERSPECTIVE, OUR INTERMEDIARY GOALS, APPROVED ON 20 NOVEMBER 1973 AT COPENHAGEN BY THE MINISTERS, HAVE BEEN THEFOLLOWING SINCE THE GEGINNING OF THE SECOND PHASE:

(A) " DEFINE COMMITMENTS OF PRINCIPLE APPLICABLE TO THE DIFFERENT SUBJECTS COVDRED BY THE TERMS OF REFERENCE,

(B) OBTAIN, AS FIRST STEP, THROUGH CONCRETE MEASURES, A CERTAIN DEGREE OF ACHIEVEMENT, VARIABLE ACCORDING TO SUBJECTS,
(C) HAVE IT RECOGNIZED THAT THESE MATTERS ARE LEGITIMATE SUBJECTS FOR DISCUSSION AMONG NATIONS."

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(9) CONSEQUENTLY, WE SHOULD ENSURE THAT THE DOCUMENTS DRAWN UP BY EACH SUB-COMMITTEE COMBINE:

(A) AFFIRMATION OF LONG TERM AIMS AND OF GENERAL RULES, MAKING CLEAR THE TERMS OF REFERENCE WHICH WE CONSIDER ESSENTIAL,
(B) AND ADOPTION OF SOME CONCRETE MEASURES SUITABLE FOR GUARANTEEING AN INITIAL APPLICATION OF THEM.

(10) IN ORDER TO RETAIN THE POSSIBILITY OF PROGRESS
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IN THE FUTURE, THE NINE ALSO CONSIDER IT OF FUNDAMENTAL IMPORTANCE THAT THE TEXTS AGREED UPON MEET THE FOLLOWING CONDITIONS:

(A) THAT TY DO NOT IMPLY ACCEPTANCE OF OBSTACLES MAINTAINED BY THE EAST;

(B) THAT THEY DO NOT CONTAIN RESTRICTIVE FORMULATIONS WHICH WOULD MAKE IT MORE DIFFICULT FOR US TO INSIST ON PROGRESSIVE IMPROVEMENT IN THOSE AREAS THAT HAVE NOT BEEN AGREED UPON;

(C) THAT THEY COULD NOT SERVE, EVEN IMPLICITLY, AS A PRETEXT FOR RESTRAINING THE PURSUIT OR THE DEVELOPMENT OF MORE LIBERAL PRACTICES ALREADY IN FORCE IN SOME OF THE NATIONS OF EASTERN EUROPE.

(11) THE "AIMS AND RULES" WHICH SHOULD CONSTITUTE THE INITIAL PROVISIONS OF EACH FINAL DOCUMENT HAVE NOT YET BEEN DRAWN UP, A PROCEDURAL ARRANGEMENT HAVING POSTPONED UNTIL A LATER STAGE THE EXAMINATION OF THE "INTRODUCTORY PASSAGES". THEIR VALUE WILL DEPEND ON THEIR FORMULATION, WHICH CAN ONLY BE LEFT TO THE GENEVA NEGOTIATORS. THIS VALUE MUST, IN ANY CASE, CONTAIN A COMMITMENT FOR CONTINUAL IMPROVEMENT IN EXISTING PRACTICES.

ACCOUNT BEING TAKEN OF THE PRIORITIES AGREED UPON IN BONN BY THE POLITICAL COMMITTEE, THE "AIMS AND RULES" SHOULD BEAR UPON:

(A) FOR CONTACTS: ON "MOVEMENT" AND "MORE LIBERAL CONTACTS",

(B) FOR INFORMATION: ON "MORE LIBERAL AND WIDER DISSEMINATION" AND ON "IMPROVEMENT OF ACCESS THERETO",

(C) FOR CULTURE: ON "MORE COMPLETE ACCESS","EXCHANGES"

AND "CONTACTS",

(D) FOR EDUCATION: ON "DIRECT CONTACTS".

(12) AS FOR "CONCRETE MEASURES", THESE SHOULD, AS FAR AS POSSBLE, CONTAIN THE FOLLOWING ELEMENTS:

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(A) SC. CONTACTS:
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MEETINGS OF FAMILIES (TEXT ALREADY REGISTERED)
FAVORABLE EXAMINATION OF REQUESTS, NON-DISCRIMINATORY

TREATMENT, PROTECTION OF INDIVIDUAL'S RIGHTS.

REUNION OF FAMILIES

RAPID PROCEDURES
MODERATE FEES (MODICITE DES DROITS)

PROTECTION OF INDIVIDUAL RIGHTS
TEMPORARY MEETINGS WHILE AWAITING FINAL REUNION

POSSIBILITY OF APPEAL

MARRIAGES
FAVORABLE EXAMINATION OF REQUESTS FOR ENTRY
AND EXIT

RAPID PROCEDURES

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US MISSION EC BRUSSELS 3973
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- MODERATE FEES (MODICITE DES DROITS)
- RIGHT TO CHANGE RESIDENCE

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- ADMINISTRATIVE FACILITIES FOR TRAVEL

- SIMPLIFICATION OF ENTRY AND EXIT FORMALITIES
- MORE FREEDOM FOR INTERNAL TRAVEL
- NON-DISCRIMINATION

(B) SC. INFORMATION:

- WRITTEN INFORMATION

- DISSEMINATION (TEXT ALREADY REGISTERED)
- IMPORTATION OF A LARGER NUMBER OF COPIES AND TITLES
- ACCESS: INCREASE OF NUMBER OF SALE POINTS, FACILITATION OF PUBLIC SUBSCRIPTIONS.

- AUDIO-VISUAL INFORMATION
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- CESSATION OF JAMMING (WHICH, HOWEVER, COULD ONLY BE OBTAINED AGAINST COMMITMENTS ON THE CONTENTS OF BROADCASTS, NOT ACCEPTABLE FOR THE MAJORITY OF THE NINE.)

- WORKING CONDITIONS FOR JOURNALISTS

- WORK PERMITS
- FREE MOVEMENT
- FREE TRANSMISSION OF INFORMATION
- IMPORTATION FACILITIES FOR TECHNICAL MATERIAL

- ACCESS TO SOURCES OF INFORMATION

- FACILITIES FOR AUXILIARY PERSONNEL

(C) SC. CULTURE

- ACCESS

SUPPLY OF FOREIGN BOOKS TO BOOK DEALERS AND LIBRBARIE
INCREASE OF SALE POINTS
FOREIGN READING ROOMS
CONTACTS BETWEEN AUTHORS AND PUBLISHING HOUSES

EXCHANGES
COMMITMENT TO STUDY THE DECREASE OF OBSTACLES TO THE CIRCULATION OFCULTURAL ASSETS IN CONCRETE AREAS (TAXES, TRANSPORTS,.....)

CONTACTS
FREE MOVEMENT OF ARTISTS
TRANSFER OF REMUNERATIONS

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(D) EDUCATION

DIRECT CONTACTS BETWEEN EDUCATORS AND SCIENTISTS

ACCESS TO EDUCATIONAL AND SCIENTIFIC INSTITUTIONS
(THESE TWO TEXTS ARE ALREADY REGISTERED)
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C. FOLLOW UP

(13) IT IS IMPORTANT TO AVOID ANY SOLUTION WHICH CONTAINS AN INSTITUTIONALIZATION AT THE END OF THE CONFERENCE, OR AN INSTITUTIONALIZATION AT A SPECIFIC TIME WHICH IS NOT CONDITIONED BY THE EFFECTIVE IMPLEMENTATION OF C.S.C.E. RESULTS.

D. FINAL DOCUMENT AND SIGNATURE

(14) MATTERS RELATING TO THE FINAL PRESENTATION OF DOCUMENTS AND TO THE POSSIBLE SIGNATURES CAN HAVE GREAT IMPORTANCE LEGALLY AND POLITICALLY. WHEN THE TIME COMES, WE SHALL HAVE TO DEFEND POSITIONS ON THESE POINTS WHICH COULD ALSO BE PLACED AMONG THE NUMBER OF "ESSENTIAL POINTS". END TEXT RUMSFELD

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